

JAMES McMANIS (40958)
ELIZABETH PIPKIN (243611)
CHRISTINE PEEK (234573)
McMANIS FAULKNER
A Professional Corporation
50 West San Fernando Street, 10th Floor
San Jose, California 95113
Telephone: (408) 279-8700
Facsimile: (408) 279-3244
Email: cpeek@mcmmanislaw.com
epipkin@mcmmanislaw.com

Attorneys for Plaintiff,
Rahinah Ibrahim

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RAHINAH IBRAHIM, an individual,

Plaintiff,

vs.

DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

Case No.: C 06-0545 WHA

**DECLARATION OF ALLEN J. RUBY IN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR AWARD OF ATTORNEYS' FEES
AND COSTS**

Date: March 13, 2014
Time: 8:00 a.m.
Ctrm: 8 – 19th Floor
Judge: The Hon. William Alsup

I, Allen J. Ruby, declare:

1. I am an attorney at law duly licensed to practice before all of the courts of this state. I was admitted to the Bar of the State of California in 1970 and have remained a member in good standing since. I have personal knowledge of the following facts, and if called upon, could and would testify competently thereto. I submit this declaration in support of Plaintiff's Motion for Award of Attorneys' Fees and Costs.

2. I am a Partner of Skadden, Arps, Slate, Meagher & Flom LLP, in Palo Alto California. I have extensive experience representing individuals and corporations in complex civil and criminal litigation in state and federal courts.

1 3. I am a Member of the American Board of Trial Advocates, a Member of the
2 International Academy of Trial Lawyers, and a Fellow of the American College of Trial
3 Lawyers.

4 4. I have known James McManis for more than 25 years, and Elizabeth Pipkin for
5 about 5 years. In my opinion they are trial lawyers of the utmost integrity, skill, and learning.
6 For good reason, they enjoy a superb reputation at the Bar. I am also familiar with the law firm
7 of McManis Faulkner from many years of opposing them in some cases and working with them
8 in others. I do not know a better law firm. The expertise and high caliber of its members are
9 justly well known.

10 5. The prevailing practice in Bay Area law firms is to bill clients separately for
11 certain costs such as computerized legal research, legislative history research, scanning
12 documents, photocopying documents, postage, travel expenses, expert fees, courier or messenger
13 service fees, service of process and mediation fees.

14 6. I am familiar with hourly rates charged by various Bay Area lawyers and law
15 firms, including my own. In my opinion, the following hourly rates are reasonable and well
16 within the range of hourly rates of lawyers and paralegals with comparable skill and experience
17 in this community:

- 18 • Partner James McManis' current hourly rate of \$900, and prior hourly rates of
19 \$700-\$750 from 2005-2011.
- 20 • Partner Elizabeth Pipkin's current hourly rate of \$550, and prior hourly rates
21 of \$300-\$475 from 2006-2011.
- 22 • Partner Christine Peek's current hourly rate of \$450, and prior hourly rates of
23 \$200-\$425 from 2005-2012.
- 24 • Former partner Marwa Elzankaly's hourly rates of \$275-\$500 from 2005-
25 2012.
- 26 • Associate Ruby Kazi's current hourly rate of \$425, and prior hourly rates of
27 \$250-\$400 from 2007-2012.
- 28 • Associate Jennifer Murakami's current hourly rate of \$375, and prior hourly
 rates of \$150-\$325 from 2009-2012.
- Former associate Kevin Hammon's hourly rate of \$200-\$250 from 2005-2007.
- Paralegal Cindy McClelen's current hourly rate of \$275.

- Paralegal Michelle Gabellini's current hourly rate of \$275.
- Former law clerk Sheila Bari's hourly rate of \$125-\$150 from 2005-2006.
- Former law clerk Yadhira Gutierrez's hourly rate of \$125-150 from 2005-2007.

7. In my experience, plaintiffs' attorneys of the caliber of McManis Faulkner who prevail in heavily litigated constitutional disputes often claim and receive court awarded compensation in matters like the present case at their current hourly rate for attorney time devoted to the litigation, along with reasonable costs.

8. I would be hard-pressed to recall another case in which a private law firm worked this intensely for 9 years on *pro bono* litigation in federal court. There may be such cases, but in my opinion the vast majority of private law firms would not undertake *pro bono* litigation requiring the commitment that this case entailed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: January 28, 2014


ALLEN J. RUBY